



## HOME NEWS

# Press Council attacks union 'censorship' over Grunwick affair

Press freedom and freedom of expression are easily lost and difficult to recover, newspaper industry unions were told yesterday.

The warning came in a Press Council statement on incidents at *The Observer* and *The Sun* when printing workers objected to material which the editors proposed to publish referring to the Grunwick affair. The council said the incidents were "blatant and inexcusable instances of press censorship".

*The Observer*, proposed, on June 26, to publish an advertisement by the National Association for Freedom. The machine minders' chapel (office branch) of the National Graphical Association and the machine operatives' chapel of the National Society of Operative Printers, Graphical and Media Personnel (Napsop) protested at the reference to the Grunwick dispute in the advertisement and production was delayed for several hours with the loss of several 25,000 copies.

Eventually the advertisement was carried but the newspaper also published a statement of the printing workers' objections which, after criticizing the advertisement, stated: "But as responsible trade unionists we feel the advertisement should stand in the cause of democratic press freedom."

In *The Sun* incident on July 1, two officials of the NGA chapel objected to a leading article on the Grunwick affair. The Press Council said: "Because of an ambiguity, a change in wording was made, but it subsequently emerged that a line of type had been removed from the leader. In consequence the newspaper was published without the leader and when an attempt was made to publish an explanation for the black space some members of the NGA team wrote it. The leader was published in the following day's issue. A request by NGA chapel officials that the

newspaper should publish a disclaimer alongside was refused. The council deprecates these blatant and inexcusable instances of press censorship which constitute a grave danger to the freedom of the press as indeed the NGA machine minders' chapel in *The Observer* seems to have recognised after the stoppage had occurred."

The council fully understands that members of trade unions in the newspaper industry may consider themselves to have a special concern in the contexts of advertising and editorial matter which they choose to publish.

The incident occurred at the end of a march from Trafalgar Square to Whitehall by Women Against Rape, the protest organization. Its members broke up a High Court hearing last month when Lord Justice Roskill, who presided in the Holdsworth case, was sitting in Whitehall yesterday.

A woman of 23 who said she was four months pregnant was among those evicted by police about 15 minutes later. She was discharged after an examination at Westminster Hospital.

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The Press Council said the rights of chapels or unions were the same as those of the public. They were entitled to make representations to the editor without interfering with production. If not satisfied they were free to complain to the Press Council. The Council would then conduct an impartial inquiry, through its complaints committee, which comprises equal numbers of press and non-press members.

A statement issued after such an inquiry received wide publicity in the newspaper concerned and elsewhere, the council said, and was so worded as to effect a remedy for any grievance found to be justified.

Interference with the production of a newspaper on grounds of objection to its contents did not justify a demand for the publication of a simultaneous disclaimer and was not an industrial issue. It was a grave attack on freedom of expression and freedom of the press.

"These are freedoms which are as important to the trade unions as they are to the press and the public in general. They are freedoms which are easily lost but once lost they are very difficult to recover."

## Labour man teased about his deposit

Continued from page 1  
remains open to doubt. During the campaign, that had not been so much of a burning issue as it has become.

The election took place at a time when some of the 13 Liberal MPs at Westminster were wavering in their support of the pact with Labour and were doubtful about renewing it for the next session of Parliament. There was anxiety about the party's losing its separate identity and its electoral appeal. But Mr Phillips has put those fears at rest, for the time being.

Mr Steel said: "This is a significant improvement in Liberal performance and must in part be due to the candidate being a strong advocate of the Lib-Lab agreement. At a time of a very strong swing to the Tories this is a very satisfactory result."

To restore the balance, however, it must be pointed out that Mr Heselhurst, who had no great local connections, although he was once Anglican area-chairman of the Young Conservatives, improved the Conservative share of the vote from 43 to 55.7 per cent, and did it even though the turnout fell from 78.1 to 64.7 per cent of the electorate.

Lord Thorneycroft, chairman of the Conservative Party, paid tribute to the convincing victory which he said had "underlined once again the growing confidence of the electorate in Mrs Thatcher's leadership."

He regarded it as a disastrous result for Labour. "They slipped perilously close to the humiliation of losing their deposit", he said. "No wonder they are so fearful of putting their record to the test at a general election."

Miss Joan Lester, chairman of the Labour Party, took a realistic view. "I think there is still a feeling among some Labour supporters, clearly expressed in this by-election, of disappointment and apprehension about the Government's economic policies", she said. "There will be a change in the country's fortunes, then reactions will change."

Asked whether the result would not convince Labour MPs that they must encourage and support the pact with the Liberals at all costs, Miss Lester said: "Nor at all costs; but it will strengthen the determination of the Prime Minister to stay in office until he can show that the sacrifices the people have made will reap some sort of reward."

There was a swing of 11.7 per cent from Labour to the Conservatives. The Liberals, making the same kind of calculation, issued a statement pointing out that there was a swing from the Liberals to Conservatives of 8.5 per cent.

On this occasion, references to swing may be misleading. If the swing from Labour to Conservative was repeated in a general election, the Conservatives would win a Commons majority of about 200, but other factors in Scotland and Wales could upset the calculation.

Mr John Pardoe, Liberal spokesman on economic affairs, said: "In spite of everything being in their favour, the Conservative Party was unable to persuade additional voters to vote Conservative. Their vote is now actually less than in February 1974."

That interpretation will be attacked by the Conservatives. They have only to point out that in February 1974, there was an 83.3 per cent turn out and they obtained nearly 45 per cent of the votes.

Leading article, page 13

## No Home Office inquiry into ex-boxer's death

By Our Home Affairs Reporter  
The Home Office has decided against holding an inquiry into the death of Mr Liddle Towers, the former boxer who died last year after his arrest by the police in Birtley, Tyne and Wear.

Mr Rees, the Home Secretary, yesterday saw Mrs Marion Woods, Mr Towers' sister, Mr Giles Radice, MP for Chester-le-Street, and Mrs Woods' solicitor to discuss the case. Mr Towers' death has caused controversy in the North-east where a jury returned a verdict of justifiable homicide. A campaign has been running for a public inquiry.

**Prison action ends**

The four-week work-to-rule by prison officers at Bedford prison was called off yesterday. The dispute, over overtime payments, delayed cases at Bedford, Huntingdon, Northampton and Cambridge Crown courts. A Home Office team will visit the prison to examine staffing arrangements.

## Jury told poem 'no lavatory limerick'

A poem and illustration in *Gay News*, the newspaper for homosexuals, which is alleged to have been a blasphemous libel, was no lavatory limerick, Mr Geoffrey Robinson, for the defence, told the jury at the Central Criminal Court yesterday. He added: "This is a genuine expression of boy one man came to love God."

*Gay News* and Dennis Lemon, aged 32, its editor, have denied a charge of publishing a blasphemous libel concerning the Christian religion, namely an obscene poem and illustration glorifying Christ in His life and crucifixion."

The poem, by Professor James Kirkup, entitled "The love that dares to speak His name", was written as it by a homosexual Roman centurion describing his feelings towards Christ after His body was taken from the cross.

Mr Robinson said the duty of the jury was to make a verdict for the future but to decide whether the prosecution had proved its case. He concluded: "The prosecution is seeking to use the criminal law

## Police evict women from Ministry of Defence

By Michael Foyneall

About twenty women protesters against the release of Thomas Holdsworth, the guardman in the recent sex case, ran past security guards into the Ministry of Defence in Whitehall yesterday.

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Leading article, page 13

## Sainsbury's take minister to court over store veto

By Our Local Government Correspondent

The Sainsbury food store group is to challenge Mr Shore, Secretary of State for the Environment, in the High Court over his decision to refuse planning permission for a supermarket at Stanway, Colchester, Essex.

Mr Shore overruled the recommendation of his inspector that a permission should be granted.

A public inquiry into the proposed development, with an alternative scheme including



Members of the Women against Rape organization after the demonstration.

Guardman Holdsworth, aged 19, was sentenced to three years' imprisonment for indecently assaulting a girl of 17 and causing her grievous bodily harm. That was reduced by the Court of Appeal to a suspended sentence of six months.

Miss Hall said they would be considering a complaint against the police action yesterday. She added: "This campaign is going to continue."

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Mr Michael Hill, for the prosecution, said Mrs X lived in Camberley, Surrey. Guardsman Langley, due to pass out from Farnham depot four days before the offences, stole the ammunition, drew out his rifle, and left the camp without leave.

He called at another woman's home first on the pretext of seeking directions. She told the police when she saw the rifle but by then he was at Mrs X's home.

Guardsman Langley told her to stop the car at a public house in

Anglesey. She found help in a house and her car number was given to police.

Guardsman Langley was seen by the police driving erratically and stopped. Inspector Melvyn Williams and Police Constable Wynford Davies, who were commendable by the judge for their bravery, leapt on Guardsman Langley, and the rifle, loaded and cocked with the safety catch on, was recovered from the back of the car. The bayonet was found in the caravans.

Major Guy Sayle, a company commander at the Guards depot, said that Guardsman Langley had been a perfectly satisfactory recruit, apparently determined to make his army career a success.

Mr Hill said that then began the journey which was to end in Anglesey, where she was again raped.

Guardsman Langley told her a bogus story about a non-existent wife and children having been raped and murdered in Rhodesia, said he was getting his own back, and spoke also of contract killing in the United States.

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## HOME NEWS

## Schools Green Paper rewritten after a rejection by Cabinet

By Diana Gleddes  
Education Correspondent  
After at least half a dozen redraftings the Green Paper on schools in England and Wales, submitted by Mrs Williams, Secretary of State for Education and Science, was rejected by the Cabinet.

It is believed to be the first Cabinet rejection of a Green Paper. It was felt to be impractical, too tasteless, too long-winded and radically unsatisfactory.

Mrs Williams, who was told to take the Green Paper back to her department, took it largely upon herself to rewrite it with the help of a senior official. On Thursday a shorter, final version was completed and is now with the printers. It is expected to be ready to be published, only slightly behind schedule, during the week after next.

The Cabinet's objection to the original "final" version was not on the ground of policy — there is very little new policy contained in the document — mainly on aesthetic and tactical grounds. It wanted a tougher approach, the line believed to

be favoured by Mr James Hamilton, the Permanent Secretary, and not so much of the kid-gloved, almost deliberately obfuscating approach favoured by Mrs Williams.

So many ministerial and officials had been at the discussion document by the time that it went to the Cabinet's home affairs committee, that it resembled, in the words of one Whitehall source, "more of a dog's dinner than a good rich broth".

It did, however, manage to pass the home affairs committee, chaired by Mr Rees, the Home Secretary, but the Cabinet, which was chaired by the Prime Minister, found it too much to stomach.

Mr Callaghan, who initiated the "great debate" on education with his speech at Ruskin College, Oxford, last October, has been taking a close interest in the progress of the consultative document which has emerged as a result of the debate, bearing in mind too, no doubt, that it could prove to be the foundation of an Education Act to replace that of 1944.

## Direct elections storm gathers momentum

By Michael Herdfield  
Labour's gathering storm over direct elections to the European Parliament will be further clouded next week when party policy-makers discuss a document highly critical of the European Commission.

Although the document has yet to be approved by the full national executive committee, there is little doubt that the left-dominated NEC will sanction its contents and a subsequent debate at the party's annual conference in October.

Faced with the Government's determination over the direct elections Bill, the document states that nothing should be done to increase the powers of the European Assembly. It argues that the Labour Party must ensure that clauses expressly preventing any increase or changes in the powers of the European Assembly, re-written into any legislation authorising direct elections.

The main objective of the opponents of the EEC, who yesterday expressed delight at the size of their vote in the Commons debate on Thursday, is to get a two-thirds mandate at the annual conference protesting at the operation of the European Community and all that flows from it.

Incorporated in the draft document, which goes before a joint meeting of the party's home and international committees on Wednesday, is the demand that any powers must be the subject of a referendum. The document attempts to commit the party against a system of proportional representation which is enshrined in the Government's agreement with the Liberal Party. It recognises the needs and electoral history of other members of the Community but states that the party cannot accept that elections in the United Kingdom should take place under a common system which would inevitably mean proportional representation.

It declares the party's opposition to holding direct elections at any time other than on the same day as the United Kingdom's parliamentary elections, and consequently opposed the idea that elections should take place on the same day in each member state.

If those proposals are approved by the joint meeting and, later, the annual conference, the Government will be placed in an embarrassing position with the party, although there are sufficient routes through which it can escape and therefore avoid a clash between the Administration and the national executive committee.

There are doubts, for example, whether a system of proportional representation will be approved by the Government, and therefore the Government, while honouring the commitment to the Liberals, should be able to continue the relationship with Mr Steel and his colleagues.

None the less, the proposition of direct elections to the European Assembly should be at the same time as Westminster elections runs counter to the European Community's objectives and, in general, for direct elections and consequently is likely to meet strong opposition from the pro-European Community and all that flows from it.

Leading article, page 13

## Fishermen's watchdog

Five seamen were rescued by the coastguard in the North Sea yesterday after abandoning their King German coaster, Eva, which had collided with a Spanish ship off the Suffolk coast.

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to be a simple case of a ship being stranded on a rock. But the truth is that the Eva, which had been en route to the port of Felixstowe, had run aground on a sandbank and was unable to move. The crew had to abandon ship and take to the lifeboat.

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## OVERSEAS

# Harsh Albanian attack signals the end of special link with China

From Dessa Trevisan

July 8

The alliance between China and Albania, called to life 16 years ago by Soviet imperialism, the common enemy of both countries, seems to have broken up.

Albania has now launched an ideological attack on China's theory of the revolutionary nature of the Third World, accusing it of betraying true Marxism-Leninism and of propagating ideas which are having "catastrophic consequences" for the revolutionary cause of the proletariat throughout the world.

The attack, carried by the Albanian party newspaper *Zeri i Popullit* yesterday, did not mention China by name. But the long dispute was clearly directed at China and reflected Albania's growing dissatisfaction with the way things were going in China since the purging of the radicals.

Even before, a certain coolness was noticeable as Peking began to mend its fences with the United States and, from the Albanian point of view, worse still with President Tito. Yugoslav revisionism is anathema in Tirana, though relations on the state level have improved in recent years. The Albanian leadership maintains, however, that there can be no compromise over ideological issues.

Recently, Peking appears to have added insult to injury by inviting President Tito on a state visit which shows clearly the reasons for the timing of the Albanian attack on Peking.

Although trouble between Peking and Tirana has been simmering for some time the *Zeri i Popullit* attack goes way beyond previous hints of criticism.

The Albanian party organ dispersed Peking's theory that one super power was less dangerous than the other or that the Third World represented a shield against both. Such a theory, the Albanians asserted, not only ignored the contradictions between the two rival social systems—capitalism and socialism—but was outright opportunistic, anti-Marxist and dangerous as it called upon the

oppressed millions to abandon the revolution.

There was a clear attack on China's practice of lumping together under the heading of anti-imperialist allies Arab oil sheikhs, General Pinochet of Chile and President Mobutu of Zaire.

The theory propounded by Peking that the Third World represented the world revolution's defence against imperialism, was now challenged by the Albanians because it created an illusion that "a cloak was found under which nations can shelter against the threat of superpowers".

There was another rebuke for China, implicit in the article's rejection of the principle that "the enemy of my enemy is my friend".

The United States and the Soviet Union were equally dangerous to all people in striving to extend their domination, the newspaper said.

Even if a country was directly threatened by one of the superpowers, this did not mean that the other superpower would become a friend, or that it should be treated as one.

The Albanians therefore warned Peking of the "catastrophic consequences" which an alliance with one superpower directed against the other would bring on the revolution.

The drift of the Albanian attack shows that the special relationship which existed for 15 years between Peking and Tirana has come to an end and that the Albanians are deeply disappointed in China's failure to hold up the revolutionary banner.

At the same time, it also reveals that there may have been very strong domestic reasons for such an attack. Last year, Mr Enver Hoxha, the party leader, organized a thorough purge and it may be that his policy has once again been challenged.

Although the article is equally hostile to the Soviet Union and the United States, it is believed that Mr Hoxha is under pressure from some sections of the regime who feel encouraged by China's rapprochement with the United States and would like to see an Albanian opening to the West.

## Mr Fukuda hopes for independents' help

From Peter Hazelhurst

July 8

Japan's rising Liberal Democratic Party will try to absorb successful independent candidates into its ranks rather than enter a coalition alliance with the Opposition if it loses its majority during elections to the Upper House on Sunday.

Faced with the prospect of a setback at the polls on Sunday, senior party leaders said today that Mr Fukuda, the Prime Minister, is confident of retaining effective power in Parliament if a small number of sympathetic Independents join or lend their support to the Government in the Upper House.

"A working arrangement with the formal opposition parties in Parliament would force the Liberal Democrats to compromise on basic policy and we will attempt to avoid it at all costs," a spokesman said. "We are confident of winning a majority but, but, even if we do not, we hope that Independents will join the party."

As more than 78 million Japanese voters prepare to go to the polls on Sunday to re-elect half of the 252 representatives to the Upper House, the latest opinion polls indicate

that the ruling party has gained some ground this week, but it is unlikely to retain its present strength of 127 seats, a bare majority.

According to the latest projections of Asahi Shimbun, which is noted for accurate surveys, the ruling party is expected to lose three to seven crucial seats to the slightly less conservative forces in the Opposition.

In contrast to the charged atmosphere of seven months ago, when an election to the Lower House of the Diet was dominated by the Lockheed scandal, no burning issue has been raised.

Illustrating that the Lockheed controversy has passed into political history in Japan, the Liberal Democrats allocated 22 of their 76 nominations to candidates drawn from a faction under the control of Mr Kakuei Tanaka, the former Prime Minister, who is standing trial on charges of accepting bribes from the American aircraft corporation.

Commenting on the fact that the incumbent prime minister's faction received only 21 nominations, the Japanese press suggested today that Mr Tanaka, dismissed as he is, remains a hidden force.

## Asian group to seek links with communists

Singapore, July 8.—The foreign ministers of the Association of South-East Asian Nations (ASEAN) committed their five countries today to promoting peaceful relations with Vietnam, Laos and Cambodia.

In a communiqué, the ministers also said the non-communist nations of the region were confident that talks to be held with Japan, Australia and New Zealand next month would bring closer links.

The communiqué said: "The ministers reviewed the situation in South-East Asia and reiterated the desire of ASEAN countries to promote peaceful beneficial relations with all countries, including Cambodia, Laos and Vietnam, on the basis of mutual respect for each other's sovereignty."

The statement coincided with an announcement from Manila that a Vietnamese trade and goodwill mission would visit the Philippines. UPI

Ghanaians strike in favour of civilian rule

Accra, July 8.—Professional workers went on strike today in an attempt to compel Ghana's Supreme Military Council to speed up its timetable for return to civilian rule.

In Accra, medical services were practically halted as doctors and dentists joined the strike, together with lawyers, accountants, engineers and others. Similar strikes were going on in other big cities, travellers said.

General Acheampong, the head of state, announced on June 30 that a committee would invite views on how the country might be governed. The timetable was for the committee to report in three months with a referendum six months after that on the form of government.

After the referendum a constituent assembly would be set up to write a constitution before power was handed to civilians. —AP

## Pretoria leadership rivals clash on sex laws

From Ray Kennedy

Johannesburg, July 8

The battle lines in a confrontation for the white leadership of South Africa are now being drawn up over the basic issue of sexual relations between people of different races.

There have been adamant demands that Mr Vorster, the Prime Minister, is stepping down; but it has become obvious to those watching him closely that he has slowed down noticeably in the last 18 months, or ever since his efforts to achieve a de facto peace, militarily inclined black African states came to nothing. He will

## Envoy finds Soviet President in fine health

Moscow, July 8.—President Brezhnev showed at a meeting with the diplomatic corps today that recent reports of his deteriorating health are "total nonsense", western diplomatic sources said.

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## Pakistan military takeover surprising only in its timing

## Four-month political crisis that led to Mr Bhutto's downfall

From Hasan Akbar

Islamabad, July 8

The intervention by the armed forces in Pakistan's political crisis, although sudden, was not entirely unexpected. Indeed as time passed without the crisis coming to an end, many Pakistanis who have developed a habit of looking to the armed forces to pull them out of natural or man-made calamities, began to wonder why the army had not done anything about it.

The military takeover came after four months of uncertainty and unrest, which began when the Opposition alleged that votes had been rigged in the general election in March.

Mr Bhutto's People's Party had emerged victorious with a larger margin than in the last election seven years ago, despite the fact that six years of Mr Bhutto's autocratic rule had eroded much of his own and his party's popularity, at least in the cities.

After this amazing electoral triumph, which surpassed even Mr Bhutto's expectations, thanks to the large number of ballot manipulations by his gun-toting party members and subversive district and provincial officials, he brushed aside Opposition protests and declared that there was no question of a fresh election.

The nine-party Pakistan National Alliance had, however, foreseen the ballot rigging and was ready to back with anti-government demon-

strations on a wide scale. The protests gained momentum and fury as Mr Bhutto defied the demand for a new election.

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## SPORT

### Athletics

Capes (left) and Stahlberg, whose meeting in

should be evenly balanced and important.

## Withdrawals could costly to Britain

From Cliff Temple

Athletics Correspondent

Oulu, Finland, July 8

The withdrawal of Brendan Foster, Steven Ovret and Tony Simmons from the British team to meet Finland in the two-day athletics meet beginning here tomorrow, will be a costly blow to the British team.

The three British athletes, who had been chosen for the European championships in the 110-metre hurdles, will be replaced by Steve Cram, who has been chosen for the 100-metre dash.

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ORT

# Top American pair turn Open into matchplay

# Elation of cross-handed Palmer

By Lewine Mair

It was a long time before those in command took to the parched fairways. The decision to leave 80 players and ties on the third day was responsible for the last pair not going out until half past three, which assured another late homing for those spectators who had come to see the show.

With starting rapidly, a situation which had looked likely to remain a well-kept secret for some time began to be clarified. The list of the four champions to slip into the American title holders, who started by dropping a single stroke at the first hole. In the highly competitive competition that was enough to remove him from the leader board and he dropped another stroke at the third.

The next to lose grip was Fred.

Watson. The two of them kept their scores together in successive rounds.

His course was again short and conditions were

spite of a passing thunder which briefly delayed his course he had something in his drawing such that Nicklaus has always said of his rival today that his swing has been "the most brilliant in the game".

Each had finished for play

not to have been wiped out for the day if the storm had continued. We were back in the same situation as at St Andrews in 1976 when Jackie had to interrupt a round and start again.

It was the last morning. Nicklaus and Watson were luckier and two solid pair after play had

restored that their concentration had not been broken.

The point in winning became as the day darkened and the lightning

rumble became recognizable as thunder. He dropped three shots in two holes.

He more than anyone might be excused for worrying about lightning after being struck

in the course two years ago and finding himself thankful to be alive.

That left Nicklaus and Watson together, of the men in the men.

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George Hutchinson

# As predicted: a bad day for the Liberals, but it is Labour that has bitten the dust

However much Mr David Steel (or, come to that, Mr John Pardoe) may care to rationalise, the Liberals have sustained a severe and predictable rebuff in the Saffron Walden by-election. True, their humiliation is not complete: they remain in second place, as before. But their vote has suffered a critical collapse, falling from 14,770 to 10,253.

Such a loss of support can scarcely be called a proof of success for the Lib-Lab pact. It is hardly a vote of confidence in the Liberal Party. Without the support of many who previously voted Labour but turned to the Liberals rather than upholding the Tories it would have been much smaller.

It is Labour, of course, that has really bitten the dust, and Saffron Walden is a case in point. It must now be finished for quite a time. It would be irrational to suppose that Mr Callaghan can hold on much longer. Mrs Thatcher's day as Prime Minister draws ever closer.

One can only hope that she and her party are fully prepared for the test—the test of office

and responsibility to which the electors are repeatedly calling them.

□ The revolt against the Government in one by-election after another can be ascribed to various causes. It does not spring entirely from the failure and consequent rejection of Labour policies, especially the failure to check inflation and to achieve some control over the cost of living, although this is no doubt the main source of Mr Callaghan's misfortunes. Other influences are also at work.

One is a growing repugnance with the far left, which the social democrats have allowed, whether from inertia or complicity, to penetrate the Labour movement up and down the country and indeed to live in the very centre, as we can see by looking at the composition of the party's National Executive Committee.

Another (and this is not to be underestimated) has been the indignation and continuing sense of outrage provoked by the Wilson resignation honours and subsequent disclosures. Nor can Lord Bradwell's squalid

reminiscences be said to have helped as Tom Driberg was, after all, an MP and a member of the NEC for many years.

In short, there is too much to live down: so much that it cannot be lived down. The Labour Party has become the prisoner and victim of its own shortcomings.

No one has expressed this to more telling effect than Dr Stephen Haseler, himself a member of the party but in the Hugh Gaitskell tradition—free, liberal, humane, rational, and at the same time vigorous, even aggressive, in defence of the principles that informed the early Labour leaders and still reflect the true heart of what is, in essence, a great movement for social betterment.

Read Dr Haseler's book, *The Death of British Democracy* (published last year by Paul Elek at £5.95). Read, as I have done, his recent Sir Robert Menzies lecture to the University of Western Australia, in which he had this to say:

"As far as I can sensibly testify to a single cause for Britain's decline, then I would say:

That is the melancholy truth. If Mr Callaghan were to stir himself sufficiently he could probably check the rot. Beyond a few feeble reprobates and admonitions, he has not chosen to do so.

Why is this? Whence his reluctance? It is, because he wishes above everything to remain in office. To do so he is prepared to temporise with the Left, just as he is prepared to accept Liberal support. Politically, he is shameless.

□ No one would have understood this better than my old friend Tibor Szamuely, whose important achievements and untimely death are now freshly commemorated with the publication, by Aims for Freedom and Enterprise, of his classic essay *Socialism and Liberty*.

Tibor Szamuely, a Soviet Citizen who became the proudest of British subjects, was a master of our language, his powers of exposition putting most of us to shame. Freedom was his cause. He belonged to that romantic (and often scholarly) élite, the political pamphleteers who are at once the

authors and the servants of great social purposes. We remember him with affection and respect, and know that his influence lives on.

□ Leave well alone is not a bad precept, and one could wish that it were more frequently observed. But the world is full of muddlers, for ever tinkering and tampering with things better left untouched.

Thus—or hence—the user in the Performing Right Society, a most admirable body which for more than 60 years has served composers and music publishers with care and success, collecting royalties both at home and abroad. But now the muddlers are on the march, seeking change and what they would call reform in the society's well-tried arrangements.

It is all rather disheartening for the president, Sir Lennox Berkeley, and such devoted members as Mr Vivian Ellis (Bless the Bride, etc); who has spent 22 years on the council and is deputy president. Voluntary service is sometimes a thankless task, I fear.

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## Clues to the crossword from ancient Egyptians

Papyrus fragments from Graeco-Roman Egypt continue to add to our knowledge of ancient literature and life. The forty-fifth volume of *Oxyrhynchus Papyri* has recently been published by the Egypt Exploration Society, bringing the number of items in this series to 3,266. The new volume includes, besides pieces of work already known, some new fragments of lyric verse, tragedy and comedy, and a number of official and private documents of various dates between 63 and 337 AD.

There is also one text, No 3239, of a quite unique character. It is a memorandum for a word-puzzle with which the writer intended to tease a friend or, more probably, a gathering of friends. It is written on the back of two discarded documents glued together, and dates from the later second century AD.

Although it is not completely preserved, enough remains to show the scheme. It is set out in two columns. The left-hand column is a list of nouns and proper names, arranged in alphabetical order by the first letter, and next to each in the right-hand column is a word or phrase that denotes or describes it, or has some loose association with it. There were 53 items in all.

The words in the first column were evidently to be guessed from the clues in the second, many of which are remarkably like the clues in the simpler sort of modern crossword. For example, "heavy weight" is "lead"; "trusty guide" is "staff"; "for wool" is "spinning-basket"; "foreign city" is "Rome"; "the great hope" is "Eis"; "adorns Alexandria" is "Scarabs"; "gives wealth at own discretion" is "Fortune".

Not all the clues are quite so straightforward. To guess that "rotten fortune" (*aproti roche*) stood for "bath attendant" (*parachys*) one had to be on the alert for anagrams. The solution to "for everyone" is "a garland". Perhaps "for everyone a garland" was a familiar cry on festive occasions; if so, the clue was a pleasure to be completed, again a favourite form of the modern crossword compiler, though he used his imagination to show what kind of thing is wanted ("Bottoms —").

In other cases the clue calls for free association. The answer to "I'm thirsty" is "water-carrier", and the answer to "vinegar" is "wine".

## Filling the gap...

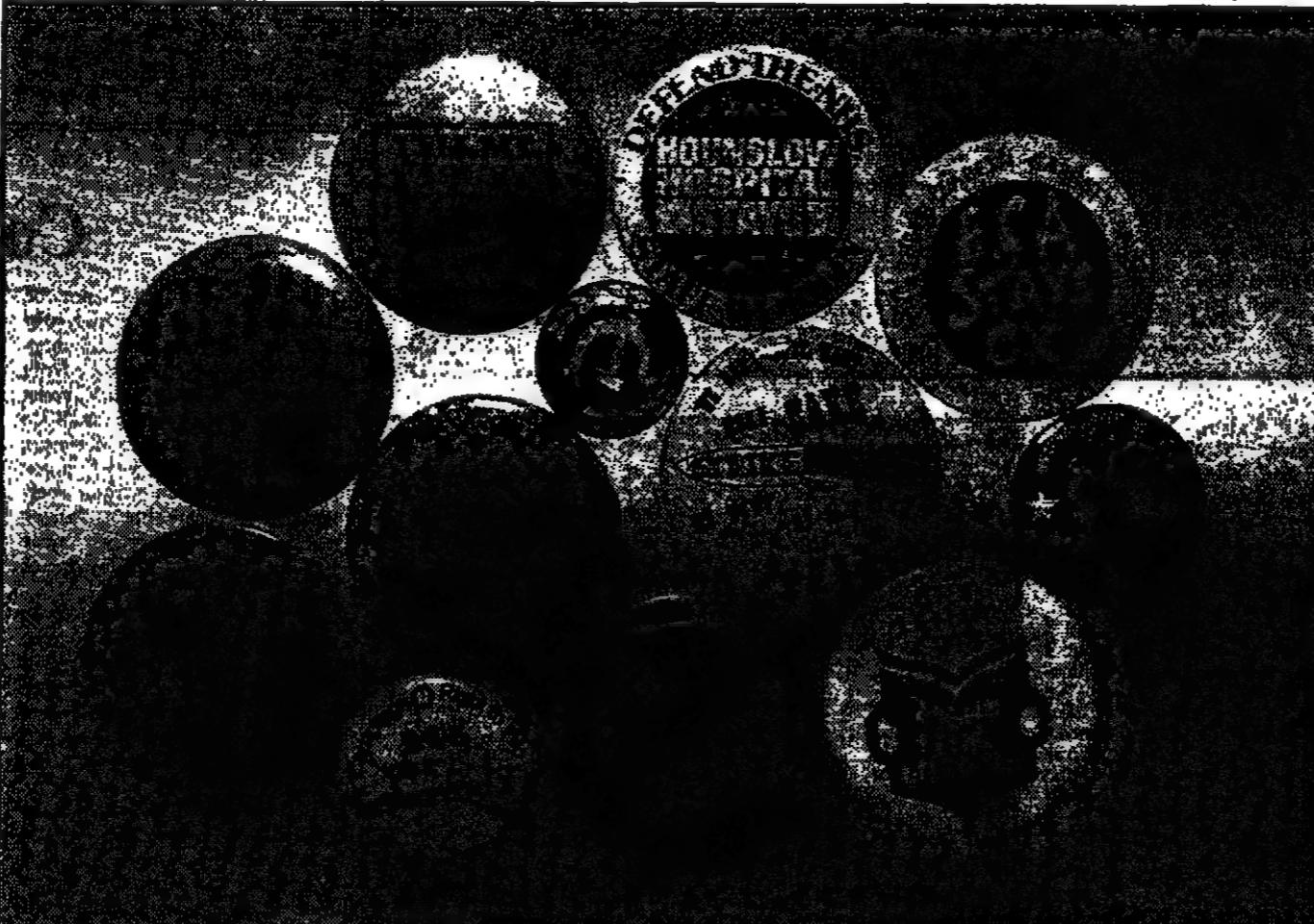
The compiler made a point of having solutions, beginning with each letter of the alphabet in order—sometimes several for one letter, but at least one. At the letter *n*, instead of a word with that initial, we find the letter alone, with a blank space in the clues column. The compiler must have been unable to think of a satisfactory word quickly; he went on, meaning to fill the gap later. Presumably, whoever did the puzzle was to be told that the first group of solutions began with alpha, the next with beta, and so on.

It is well known that the ancients amused themselves with riddles, and also with verbal exercises such as palindromes and verses containing every letter of the alphabet. But nothing resembling the new papyrus was hitherto known. With its astonishing anticipations of modern puzzlers' conventions it prompts the reflection so often prompted by the study of ancient literature: there is nothing new under the sun.

Prof M. L. West

\* The *Oxyrhynchus Papyri*, Volume xv, ed. by A. K. Bowman, M. W. Haslam, S. A. Stephens and M. L. West (Greco-Roman Memoirs, No. 65). Published for the British Academy by the Egypt Exploration Society, 1977. £1.

## On the button, or how to pin down your message on other people's lapels



For less than £100 you can put 1,000 people on the streets each proclaiming "Mickey Mouse is a sexist pig" or "Roses have feelings too". Perhaps you might like to tell the world about the Cleethorpes People's Liberation Movement, "Robin Hood rules OK" or "Bring back the ship".

The money will buy not the legendary, even mythical, "remabob" but what might be loosely called "remabadge". For the age of demonstrations, sit-ins, teach-in-work-ins, etc has brought with it the campaign badge. Few are the controversies and cause célèbres of the past few years which have not spawned a badge.

In times to come fashionable museums will no doubt hold exhibitions of collections annotating their exhibits with a note on the campaign and its success.

Who knows but that a bright young social historian of the year 2007 will base a thesis on the protest movements of the late twentieth-century with an examination of the badges.

He might well begin with the records of a factory in Bethnal Green, East London, which could lay claim to being the largest producer of campaign badges. The Universal Button Company has produced badges for the Campaign for Nuclear Disarmament, the Young Liberals and the miners' campaign in 1974.

The work remains a minor part of production but has expanded to the point where 500 of one campaign badge or another is being made at one time. There are also export orders.

The most constant customer appears to be of the left and especially the International Socialists who sent an emissary last week from outside Greenwich to strike a campaign badge.

Unfortunately the badges were wanted within 24 hours and the firm could not oblige.

The order was not placed because the International Socialists feared the picketing would be over by the time the badges arrived.

The various gay liberation groups have also built up a constant volume of business and the firm has a separate collection of past orders. Those so inclined have been able to announce "How dare you presume I'm heterosexual" (on a like background) or "Take liberties with me".

Political observers will be interested to note that the Liberals among the established political groups appear to be the most badge-conscious and in the past the firm has done work for Mr David Steel himself.

The advantage to customers lies not only in being able to spread a campaign's message but also in supplementing funds since the badges can be sold at a profit to supporters. They also have the pleasure of constructing slogans which will amuse, grieve and embarrass Advertising agencies seeking copy writers could fruitfully cast an eye over some of the current badges.

At the moment supporters of the three men facing trial under the Official Secrets Act could saunter down Whitehall telling passing muddlers "I'm a secret agent for Mr David Steel, himself.

Orders are rarely turned down unless they are obscene—like the recent gentleman who wished to express his sexual

aspirations forthrightly—or if the badges refer to an issue considered too contentious.

The message though is not always so clear. No one seems to know who wanted "Rock against racism". At the moment "MDC not guilty right" is being produced, but the firm wonders who MD and C are.

Orders are rarely turned down unless they are obscene—like the recent gentleman who wished to express his sexual

aspirations forthrightly—or if the badges refer to an issue considered too contentious.

They were hesitant about one recent order but decided to go ahead. Having made over 500,000 badges to mark the jubilee they were asked: in March to make "Stuff the Jubilee" badges. What started as an order for 4,000 has grown now to 48,000 and one of the largest sales of all the campaign badges they have produced.

Stewart Tindall

Philip Howard

## How Bismarck's editing sent Prussia to war against France



Bismarck: he altered the Ems telegram to anger France.

Recently "pushed their luck" by demanding guarantees from the King of Prussia that he would never again support a German candidate for the Spanish throne.

The Prussian Chancellor, Bismarck, who for his own reasons was quite keen on a war with France, had engineered the Hohenzollern claim. The wind was taken out of Bismarck's sails a few days later, however, when the French wanted an account of the interview to be telegraphed to Bismarck. "It was the Ems telegram, and it was Bismarck's editing of this telegram which led to

All the history books recount this event, but few if any tell in detail how Bismarck actually changed the Ems telegram. For instance, Fritz Stern, in his recently published life of Bismarck, *Gold and Iron*, merely writes: "Bismarck edited William's account so as to make it appear a humiliating defiance of France"; and most other histories say something similar to what Bismarck actually did is not merely of linguistic interest but also a classic example of "news management" with a purpose.

This was the relevant passage of the message (sent by a Prus-

sian Foreign Ministry official) as Bismarck received it:

As His Majesty had told Count Benedetti that he wanted to receive from the Prince, His Majesty decided, in respect of the above request, on the advice of Count Eulenburg and myself, not to receive Count Benedetti again, but to inform him that he would not be received again.

When Bismarck had finished with the message it read as follows:

His Majesty the King thereupon refused to receive the French ambassador again, and had him informed, through a duty adjutant, that His Majesty had nothing further to say to the ambassador.

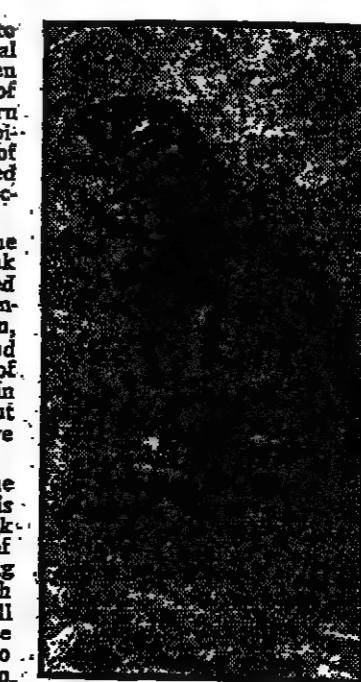
This he issued immediately to the press.

It is an interesting example of how, without altering the sense, by a little tautening of the language, and the removal of subordinate clauses, verbal cotton-wool can be forged.

For instance, Fritz Stern, in his recently published life of Bismarck, *Gold and Iron*, merely writes: "Bismarck edited William's account so as to make it appear a humiliating defiance of France"; and most other histories say something similar to what Bismarck actually did is not merely of linguistic interest but also a classic example of "news management" with a purpose.

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## Saving the seals may help us to save ourselves



The first ever photograph of a Mediterranean monk seal, taken by Dr Schulze-Westrum.

the area, while some islets which are particularly favoured by the seals, are completely out of bounds.

The surviving Mediterranean seals are probably located in the small, uninhabited islands between Crete, Carpathos and the Cyclades. Here Dr Keith Ronald, head of the College of Biological Sciences at the University of Guelph in Canada, has been working a one-man battle to save them from extinction.

The professor has often been seen island-hopping by helicopter to "explain" to the Greek

fishermen why they should not exterminate the seals. His arguments are quite impressive as Prof Ronald believes that the seal holds the key to man's survival in the sea.

There are strong physiological similarities, for instance, between the seal and man. It is therefore hoped that research may one day reveal the secret of what is known as the seal's "diving reflex": a seal, in fact, can take seven breaths on the surface, then dive as deep as 650ft, stay below for almost 30 minutes, then shoot back to the surface without suffering any ill effects.

This means that although the seal's body is deprived of oxygen, it suffers no damage. If this "reflex" mechanism could be copied, it would be a significant breakthrough in the treatment of cardiovascular disorders.

Another unusual feature in the seal is its ability to detoxify itself of much of the chemical pollutants and pesticides that eventually find their way to the sea.

This purifying mechanism is probably located in the seal's liver. If it could be copied, it might provide the answer to mankind's losing battle against the toxic effect of pollutants. Scientists are now carrying out research on this aspect.

Dr Ronald is in favour of a worldwide campaign by scientists to save the Mediterranean seals. He says: "I do not disappear like the Caribbean seal seen by Christopher Columbus as early as 1494, which recently became extinct. He said: "If the seal cannot survive in the Mediterranean, then man himself may not be able to."

Mario Modiano

## Tidy out

She has not crossed my mind for years and yet, seeing her name in an old address book, I flinch.

Christopher Logue



New Printing House Square, London, WC1X 8EZ. Telephone: 01-837 1234

the duke,  
uncles, w  
a whole  
of millions

## AVE THEY THE WILL TO GOVERN?

has been a bad week for government, but possibly not so bad as it might at first glance. The

that office, duty to provide all the relevant candidate came a factors in this, in Walden; the second

Some of the newly Elected Bill pro-

the unifying spectacle

had; and all ministers going off in

to do with the right directions; and the appropriate Government's cherished hopes

disappeared, people have been severely

always considered by such leading unions

out to be extreme Transport and General

And a tremendous and the miners:

disappeared.

There is evidence of Saffron

the dark, and in one direction. The most

susceptible to a general tide is still running

a newspaper of strongly in favour of the

clique of Conservatives. Their candidate

about the identity of the poll and the Labour voice

recorded. The election has been awaited

Eton from 1969, a particular interest not so

death certificate.

was an epileptic because of the prospect of

an early

no child for the future of the Lib-

been admitted to fact.

After a further by-elections since the

Times' column was made the Liberal can-

may have more contests have been in

bounds are not inconveniences where the

the supposed 1974. Saffron Walden pro-

from that date it the first test of the theory,

he never left the case, that where the Liberal

published 1974, previously run ahead of

March 11, 1974, but he might now in the light

that "The Game" attract tactical voter

will shortly return from abroad?

Mr John Ford, who specializes in

active work and American relations are

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## PERSONAL INVESTMENT AND FINANCE

Unit trusts

## Will investors renew their trust in units?

Someone once remarked that the same amount of money was always around—it was just the pockets that changed. While the observation may lack academic merit, the sentiments should appeal to many in the unit trust industry who ponder their fortunes over past and future years.

Recent figures show how dependent sales have become on the insurance-linked arm of the industry—while longer-term analyses of personal investment patterns demonstrate rather brutally how the investor's attraction for unit trusts has faded in relation to other savings media.

First quarterly figures from the Unit Trust Association and the Life Offices' Association (which show the proportion of linked life business in overall sales of units) revealed that direct new net investment in units (excluding linked business) went into an unprecedented reverse of £5m or so over the period.

Admittedly, these figures included a particularly bad month at the beginning of the year, but the increasing dominance of the insurance companies has been a feature of the industry for some time. In 1975, for instance, sales of units through insurance policies came to £69.6m out of a total of £190.3m net new investment. In 1976 it was £88.3m out of £155.5m.

The industry is not alarmed—and neither should it be—because a sale is a sale. The large management groups such as Sime & Prosper and M & G have captive insurance companies that supply a flow of

contractual savings into units with a regularity that is dear to the average fund manager's heart. Many other groups have links with insurance companies.

Mr David McLean, of Sime & Prosper, describes his group as "soldering on", but is conscious of the fact that the industry has a poor sales pitch at present for anything other than contractual savings or high yield and overseas funds.

The public response to recent stock market issues he regards as "stealing money"—not a sign of public demand for equity investment vehicles.

So what is life like for those not costly linked into the contractual savings market? Mr Mark St Giles, at Allied Handbro, believes the situation gives his company a better selling edge with the insurance brokers, accountants and solicitors through whom much of the unit trust funds are now channelled.

Although Handbro Life, the sister insurance company, holds about 50 per cent of his units at present, the contractual element is with Handbro Life, not the management group. He has not been in a net redemption situation. While agreeing that the general public is no longer a presence in the market, he believes that there are other areas, such as funds controlled by trustees, which "can be opened up."

Despite the problems of the industry, it has attracted some fresh new blood over the past few years. Lawson Securities and Piccadilly Fund Managers are two groups that have achieved good growth in funds under management—but



Mr Edgar Palamontian, chairman of the Association of Unit Trust Managers: the industry is over the hump.

## Investor's week

## Pay worries are a damper on the market

It was the week that should have been comfortably dominated by new issues, before brokers set off with their fees, for July and August holidays.

The BP issue, after all, had had a hot reception, the small man had been given ample elbow room and United States demand was still heavy despite, or perhaps because of, being curtailed in the original issue.

The blue-blooded issuing brokers and the clutch of top merchant bankers to the Sotheby Parks Bourse could feel happy that their homework had been done properly. And the early comment on the London & Scotch Marine Oil had been favourable.

But, as ever, best laid plans were upset by external influences. Perhaps dealers should know better than to expect an easy summer rundown in the unions' conference season, but the spectre of a shattered pay agreement rested heavily on market activity by mid-week.

The account closed last night in very thin dealing and the FT index finished at 443.7, down 5.9 or 1.3 per cent on the period overall and, by coincidence, exactly the same proportion on the week.

The level of dealing all week—reaching a screech 5.14 marks at the Tuesday peak—was barely enough to allow any cost-conscious broking partner an easy night's sleep, but at least business in the market nevertheless was heavy.

Sotheby started at a premium of only 160 to the 150p offer price, which upset the stags a little, but the shares subsequently climbed in a satisfactory manner to 169p by the close yesterday, although the big auction rival, Christies International, has weakened during Sotheby's rise to finish at 67p.

Lasmo had an interesting week. The existing oil production stock at 322p fluctuated as the market's reaction to the

offer varied. The smooth run up to the application was somewhat disturbed by a suggestion that the barrage from Ninian, where Lasmo holds a 9 per cent stake, was not quite as good as independent surveys had suggested.

Did some funds, harried by the miners' and TGWU members' claims, back out at the last moment?

None the less, the issue has been oversubscribed nine times, which is probably all that a group without forecast or immediate dividends might reasonably expect.

For the rest, it was a question of chasing the rumour. Redearn National Glass must rate as the week's best jobbing stock. Its price gyrated wildly every day as rumours spread, did down, only to find life again before finally dropping.

Buttersfield Harvey, at 50p, received an unannounced approach from Babcock & Wilcox and Fodens went into a short sprint yesterday, to 55p as time ran out on the contested Rolls-Royce bid.

Speculators got their teeth into LEP Group and refused to let go, despite strong boardroom demands that no offer was under consideration. Furness Widby sank, however, as hopes of an attack by a bidder taking up the Eurocanadian stake gradually faded.

Profit reports from the blue chips had little impact on leader sentiment. Thorn "A" were barely changed after somewhat better than forecast results, although Rothmans International managed to hold steady on Thursday in what turned out to be a very difficult week for tobacco stocks.

Thorn probably held the big stock spotlight. After some intermittent selling the shares closed the week firmly at 680p ahead of Monday's share split.

Ray Maughan

## MAIN RISES AND FALLS OF THE WEEK

RISES					
Year's high	Year's low	Company	Movement	Comment	
680	332	Hawker Siddeley	+6	Share split.	
280	63	Lep Group	+33	Bid rumour.	
604	19	Buttersfield Harvey	+14	Babcock's interest.	
51	35	English Card	+11	Strong recovery.	
126	50	H. Brammer	+21	Rights-issues dividend.	
FALLS					
207	59	Redearn Nat	-5	After bid rumours.	
79	47	Christie Int	-6		
344	138	Furness Widby	-22	Bid hopes recede.	
216	80	Reynolle Parsons	-4	Merger and trading fears.	
260	185	BAT defd	-14	Brokers' sell recommendation.	

## New from the TSB...

The Trustee Savings Banks are pushing ahead with plans to offer customers the same back-up financial services as the other "Big Four" high street clearing houses.

Hopes of introducing personal loan and overdraft facilities last November were thwarted by a pay dispute, but these services could well be on the way for the six million TSB customers next month. At present loans are offered through finance house schemes.

Further expansion on the unit trust side comes on Monday with the launching of a third fund, the TSB Income Unit Trust. It joins the existing TSB General and the Scottish funds and will also supplement the two off shore trusts—the TSB Jersey and the TSB Guernsey. Total funds under management already amount to more than £60m.

The income trust offers investors a wider choice of equity investment and aims to provide a higher income than the other mainland trusts. Units will initially be priced at 50p and have an estimated gross

yield of 7.3 per cent. Minimum investment is £250.

Backing up the trusts are four new insurance plans. The Harvest Insurance plan replaces the Guaranteed Maturity Plan and can be linked to any of the TSB unit trusts. The emphasis has been placed on improving investment returns rather than on the level of life insurance cover.

Two of the other new policies provide tax-free lump sums on death. The Mortgage Protection Plan will repay the sum outstanding on the mortgage, while the Convertible Insurance Plan offers the further option of allowing the holder to change to the Harvest Savings Plan without any further evidence of need.

The Family Income Plan, introduced at the end of 1974, has been updated and revised to bring it more into line with the new schemes. Premium rates have been improved and it is now "very competitive".

Alison Mitchell

In practical terms annuities are the reverse of whole life assurance. With the latter, after setting up the arrangement, one pays the life office so long as one lives, at the end of which it pays out a lump sum. With an immediate annuity, one pays the insurance company a lump sum at the outset, and it pays a fixed benefit for one's lifetime—however long that may be.

Originally, this was a good way for the elderly to live off capital, without running the risk of outliving their capital. The insurance company simply goes on paying the benefits for so long as the annuity is alive. And, not unexpectedly, annuities have a longer life expectancy than average.

For those who want a supplementary pension on "safety first" lines, this is one way of employing capital from, say, a maturing life policy or the tax-free cash payable from an occupational pension scheme (in addition to the pension for life) at retirement.

initial yield—often to an unacceptably low level.

The yield which an insurance company offers depends on a number of factors, including one's sex and age. Since women have a longer life expectancy than men, the yield for a woman will be lower than for a man at a given age.

Nevertheless, although there is the lack of flexibility, protection can be obtained against the loss which would result in the event of premature death.

A "capital protected" annuity, for example, can be arranged.

In return for a lower yield, the office will charge a higher premium for life cover to somebody with a serious health impairment. Some offices may be prepared to quote a slightly higher yield under an annuity to somebody in poor health.

One of the main factors affecting the yield which an office can offer is the interest which it can earn when it receives the money. Annuity yields, therefore, can be quite volatile, dependent on market rates of interest. Once an annuity has been bought, neither party can alter the rate of return.

A life office does not have to pay tax on the investment income from its annuity fund so long as this income does not exceed the total payments made by the annuity.

The balance (however much it happens to be) is taxed as investment income.

in the right balance. At any time, there may be one or two offices in the market anxious to write a reasonable volume of annuity business and which are thus offering (probably for a limited period) quite attractive yields compared with the rest of the market.

Given that the security of the office is acceptable, the rate of return is the main factor when choosing a life office from which to buy an annuity.

From an individual's point of view, naturally the yield is most attractive at the higher ages of entry, when there is a shorter expectancy of life. Since this is also when the tax position is most favourable, there is generally little or no attraction in thinking of buying an annuity before the age of 65 or later.

Along the same lines that a life office will charge a higher premium for life cover to somebody with a serious health impairment, some offices may be prepared to quote a slightly higher yield under an annuity to somebody in poor health.

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For those at the younger age levels, annuities can be used. Here the principle is much the same, but instead of the benefits being payable for life, they continue only for a fixed term.

John Drummond

## AVERAGE DISCOUNTS FROM RECOMMENDED RETAIL PRICES (%)

	Co-op	Discount houses	Dept. stores	Multiple specialist	Independent dent.
Photographic goods	8	14	9	8	8
Consumer electronics	22	28	23	23	19
Carpets	20	22	25	18	21
Beds	11	25	19	15	16
Kitchen furniture	12	17	16	9	12
Living room furniture	5	16	7	3	9
Fabrics	7	—	6	8	44
Clothing	5	—	1	2	1
Footwear	1	4	2	1	1
Hardware	21	31	16	20	13
Groceries	12	18	10	12	10
Spirits	14	—	8	11	10
Toiletries	16	26	16	12	13
ALL SECTORS	12	20	12	11	12
Unweighted					

## Shopping around in the prices jungle

Abandon of almost all retail price maintenance in 1964 spawned competition and brought down prices. But recommended retail prices (RRPs) or their equivalent—like manufacturer suggested prices or trade or public guide prices—more or less took over the role of structuring the market.

But looking back at the heady days of 1968 and 1969 when a weekend newspaper advertisement once pulled in £9m for one unit trust fund, it is hard to resist the conclusion that the industry has a great future behind it.

Margaret Drummond

Double pricing, as where a recommended retail price is equivalent to its equivalent, like a manufacturer suggested price report, out the window.

Now the Price Commission's admirable if necessarily complex report on RRP, out this week, gives fresh interest to the question of how far it is worth shopping around in the prices jungle.

The report was a fact-finding exercise, leaving others like Mr Hattersley, Secretary of State for Prices and Consumer Protection, to draw conclusions and jump in with reforms. But there is a lot of useful information for the shopper.

Nevertheless, RRP is still disappearing, as also consumer "brown" goods (almost entirely) are "white" goods (increasingly).

The commission also found in some fields there is big difference in prices of goods whether one goes under RRP or free.

Department stores were best for photographic goods, consumer electronics, carpets, footwear and toiletries, but fell down on spirits and fabrics, according to the survey.

Independent stores, usually the smaller outlets, were cheapest for beds, furniture and fabrics, but were most expensive for consumer electronics, clothing, hardware and groceries.

Average discounts at outlets, including the discount houses, ranged between 28 per cent and 1 per cent, with clothing and footwear the least discounted.

But prices for specific items could vary widely, as shown in the Stockholders' Investment Trust and Texland, a United States unlisted oil exploration group. Shareholders are being offered 65.5p worth of Stockholders shares per London & Aberdeen share plus 24.2p cash from the realization of other quoted investments.

Texland will fetch is anybody's guess. A recent valuation of its properties indicated a worth of 49.2p per London & Aberdeen share.

What Texland will fetch singles out beds as a sector in which there appear to be not





## A trickle of buying

ACCOUNT DAYS: Deadlines Begin Monday. Deadlines End : July 22 & Contests Day, July 25 Settlement Day, Aug. 2

Forward bargains are permitted on two previous days.

Law Report July 8 1977

## Conciliation role of Acas in industrial relations

Grunwick Processing Laboratories Ltd and Others v. Advisory, Conciliation and Arbitration Service and Another Before Lord Widgery, Lord Chief Justice

At the beginning of the fifth day of hearing, Mr Mervyn Heald, QC, for Grunwick, said that they had called all their evidence and that was their case.

Mr Denis Henry, QC, for Acas, and Mr J. Hampden Isakip, QC, for Apex, said that they would call no evidence.

Mr Heald invited his Lordship to give a direction under rule 25(1) of the Rules of the Supreme Court that Acas and Apex should present their cases. Although no statement had been adduced in evidence, neither of the defendants having called evidence, the new rules provided for them to state their cases very briefly and specifically for the plaintiff. Although rule 25(7) provided for him to deal with any fresh point of law which might arise, he had no idea what the arguments of Acas and Apex would be and so would at present be unable to address his remarks to them.

The Lord Chief Justice thought that they should stick to the book and follow ordinary procedure.

Mr Heald addressed the court on the issues raised and asked for a declaration that the report made by Acas in March, recommending recognition of Apex for the purposes of collective bargaining at Grunwick's works, was valid.

Mr Henry, opening his submissions for Acas, said that the introduction which his Lordship had so far had to Acas and its purposes were expressed from the point of view of an employer hostile to Acas's objectives.

Acas was an expert body set up, by Parliament in 1973, after the confusion and disruption of the previous year, and with the most difficult and intractable of the problems facing the nation-industrial relations. After consultation with both sides of industry, three members of the board and three representing workers were appointed by the Secretary of State, who also appointed other members and the chairman.

In industrial relations the intervention of Acas was not always helpful and sometimes not productive. Not surprisingly Parliament had given Acas the widest possible discretion known to draftsmen. In almost every instance where a duty or power was imposed it was qualified by the words "if Acas thinks fit"; those words of subjective discretion appeared in both section 12(1) and section 14(1) of the Employment Protection Act, 1975, the interpretation of which was sought by the prosecution.

On considering Part I of the Act and the operation of the law and Parliament's attitude to industrial relations, one saw that it was a field in which Parliament had decided the process of inquiry by an independent body to be preferred to the process of action which took place before the courts.

Where conciliation and agreement were thought to be more effective than a judgment of a court of law, followed by enforce-

ment in the difficult field of industrial relations, the conciliation had been that industrial peace was best achieved by the extension of the conciliation and arbitration scheme which Grunwick were resisting.

Acas had been charged with that duty. It was of crucial importance that his Lordship and his colleagues understood the Act, because criticism had been levelled at the industrial field. When Mr Justice Brown-Wilkinson, in *Apex v. Apex* (The Times, April 20), said that the extension of the Act with statutes of compulsory acquisition, it was not a proper understanding of the Act; he might have had that effect.

Mr Heald said that, as a consequence of the Act, there was to lead eventually to a closed shop. That was not the case. He had assumed throughout that the Act gave the employer the right to make his own bargain with his employer; it did not do that.

Parliament charged Acas in section 12(2) "with the general duty of promoting the improvement of industrial relations and in particular of encouraging the extension of collective bargaining and the development and where necessary the use of collective bargaining machinery".

An improvement of industrial relations had to be the mutual benefit of the employer and the worker, for the result of comparison with compulsory purchase was inappropriate.

On a reference by a trade union of a recognition issue, to Acas, its duty under section 12(1) was to determine whether to consult all parties who Acas considered would be affected by the outcome and make such inquiries as Acas thought fit. Then Acas reported to the court and the report had to be reasoned in so far as it related to recommendations for recognition or for not making such a recommendation. It was a speaking report, not a written one. Acas was under section 12(3)(a), "to have regard to the desirability of encouraging the settlement of the issue by agreement".

That might be a cutting down of the employer's right to freedom of contract, just as the See Discretionary Act was—and the Race-Equality Act was—and to one extent it did. It was Acas's duty to consider or not under section 12(3)(a), "to have regard to the desirability of encouraging the settlement of the issue by agreement".

That might be a cutting down for such conciliation was after the moment when the draft report was submitted to the employer. When the employer received it and saw what would happen if there were no agreement, then it was a sensible conciliation, the workers were on the wall. Grunwick had had told that representations could be made on it, they chose not to avail themselves of the opportunity.

On an object to the final report under section 13 by applying for variation. The effect of section 13(3) was that Acas might refuse to entertain such an application unless the applicant showed that the circumstances had changed or further information had become available.

After Grunwick had received the final report they could have applied for reconsideration if no further information was available. It was a report of Market and Opinion Research International which Grunwick had prepared, or the names and addresses of their employees, which they had not up till then been prepared to disclose. The whole process could then have been opened up before Acas. That was still the position. Grunwick had been in constant receipt of legal advice, and it would be

surprised to suppose that the opinion had not been yet to them.

Mr Heald interjected to inquire whether Mr Henry was in a position to make any further representations. He was, and it might be dealt with under the statutory powers?

Mr Henry said that, if an application were made, Acas would be bound to do under the Act, and in the light of new information, it could not refuse to entertain it.

Returning to his submissions, Mr Henry said that, if on the other hand, an employer having received such an adverse report chose to sit tight and do nothing, he could do so, and it would be lawful to him to do so.

The philosophy of the Act was conciliation.

An unconditional recommendation to an employer to do something was, he said, a consequence of the Act. Two months later the union could complain of non-compliance. That gave the employer further time to consider what he might do.

It is a matter of fact that Acas had attempted to conciliate. After that further attempt and period of consultation, if the employer had not done anything else, the union could apply to the Central Arbitration Committee, appointed by the Secretary of State as experts in industrial relations, some from trade unions, some from the law, and the report had to be reasoned in so far as it related to recommendations for recognition or for not making such a recommendation.

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## Queen's Bench Division

## SPORT

### Rowing

## British crews put to the test in Lucerne

From Jim Railton

Lucerne, July 8

British rowing so far has enjoyed a heady year with over 30 victories in this season's international regatta, including three West German wins, three Nortingshires, and three from Argentina (steel), and three from the Soviet Union (iron).

As an employer was not bound to do under the Act, and in the light of new information, it could not refuse to entertain it.

Mr Henry said that, if an application were made, Acas would be bound to do under the Act, and in the light of new information, it could not refuse to entertain it.

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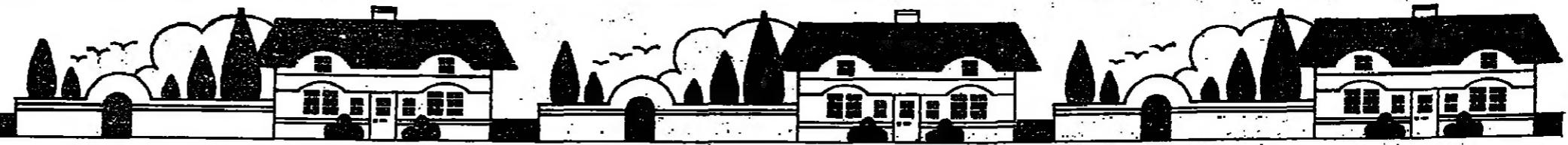
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## HOME &amp; GARDEN



There really is no comparison at lowest prices



### A Special Message to all Repro-Lovers!

Stauffer in Edmonton

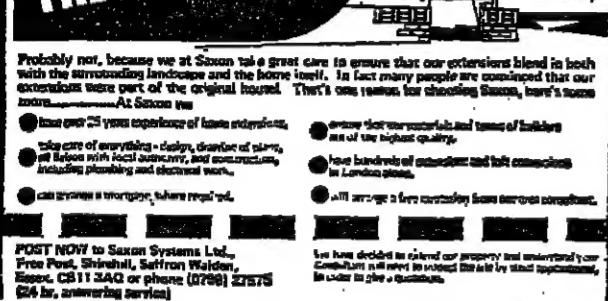
I now have the biggest collection of Reproduction Furniture assembled under one roof. I will sell at prices that will deliberately undercut any of my competitors. So before you buy, come and talk to me for a deal unobtainable elsewhere.

Yours sincerely,  
Karl Tosser  
"Furniture Extravagance"



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62 FORE ST., EDMONTON, N.18 Closed all day Thursday Trade Enquiries Welcomed

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Probably not, because at Saxon take great care to ensure that our extensions blend in both with the surrounding houses and the house itself. In fact many people are surprised that our extensions are part of the original house. That's one reason for choosing Saxon, here's how:

• over 25 years experience of house extensions.

• take care of every detail - design, detail of site, colour, materials, planning, construction, including planning and site work.

• can draw a survey, where required.

• take care of the removals and the delivery, too.

• all work is guaranteed, from start to finish.

• all arrangements are made to your specification.

• we have a surveyor, where required.

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